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SUBJECT: USCIRF Meets Imprisoned Dissidents Father Nguyen Van Ly and  
Nguyen Van Dai

Ref A) 08 Hanoi 1144 Ref B) 08 Hanoi 286

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¶1. (SBU) SUMMARY. The U.S. Commission on International Religious Freedom delegation led by Vice Chairman Cromartie, accompanied by PolOff, met with two of Vietnam's most prominent political prisoners, dissident attorney Nguyen Van Dai and Father Nguyen Van Ly, on May 13 at Nam Ha Prison. Both appeared healthy and described prison conditions not out of keeping with the norm in Vietnam. Dai was in reasonably good spirits and said that he occupies his days with Bible study, exercise and English classes. Father Ly also seemed in good spirits, despite the fact that he is kept separate from the general prison populace and has limited human interaction outside of his every-other-month meetings with family members. Both prisoners have a Bible and an English dictionary and are able to pray freely. They are allowed to read Communist Party newspapers and to watch several hours of television daily. Characteristically defiant, Dai refuses to acknowledge guilt and blamed the GVN for breaking the law in jailing him. Similarly, Father Ly insisted that he was a prisoner of conscience and said that Vietnam's laws did not meet international human rights standards; interestingly, he said that he no longer opposed reconciliation between Vietnam and the Vatican. END SUMMARY.

Nguyen Van Dai  
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¶2. (SBU) On May 13, the U.S. Commission on International Religious Freedom (USCIRF) delegation led by Vice Chairman Cromartie visited Nam Ha Prison (also referred to as Ba Sao Prison), a 3,000-inmate minimum security facility for political prisoners and others that have threatened "social disorder" or "national security" nestled in the limestone hills of Ha Nam province, to meet human rights attorney and Bloc 8406 activists Nguyen Van Dai and Father Nguyen Van Ly. The USCIRF Commissioners met Dai and Father Ly in the general meeting room of the prison and in the presence of Prison Warden Duong Duc Thang and several of his deputies. Dai appeared fit and responded to questions clearly and articulately. During the 25-minute meeting Dai affirmed that he is in good health and exercises at least three times a day. The USCIRF delegation presented Dai a hymnal of religious songs at the request of his wife.

¶3. (SBU) Dai was somewhat tense at the beginning of the meeting but became more relaxed as the meeting progressed. He highlighted the fact that he had plenty of time to pray, think and read the Bible that USCIRF had given him during their last visit in 2007. Responding to questions from the delegation, Dai noted that he lives with 60 other prisoners, 30 of whom are minorities from the Central Highlands. Dai estimated that some 180 prisoners in his cell block were from the Central Highlands including some who were ordained as lay ministers prior to their convictions. Dai noted that only he and Father Ly were allowed to have access to the Bible although

there were no legal regulations prohibiting religious materials in the prison. He said that had earlier recommended to prison officials that they allow every inmate access to a Bible and a Hymnal but had not yet received a response. Prison Warden Duong Duc Thang responded that only two other inmates in the prison had requested religious materials and that they will look at each request on a case-by-case basis.

14. (SBU) The delegation asked whether Dai was aware that the United States government had raised his case directly at Vietnam's Universal Periodic Review (UPR) before the Human Rights Council in Geneva. Dai responded that he knew the United States had specifically requested the release of himself, Father Ly and Le Thi Cong Nhan. Dai thanked the United States, and the Department of State, the U.S. Congress and others, for assisting dissidents and pushing for human rights in Vietnam. He thanked Ambassador Michalak for his visit in September 2008 (Ref A) and noted that he had not yet received a package with reading material for him sent by the Ambassador several months ago. (Note: Per earlier agreement with the Ministry of Public Security, the Embassy delivered the reading material to the MFA, as instructed, but the package has not been forwarded to the prison. End note.) Towards the end of the meeting, Prison Warden Thang objected to Dai's claims of innocence and laughed heartily at Dai's statement that the GVN is breaking the law by keeping him in prison. Thang said that Dai does not qualify for early amnesty under GVN law because he denies his guilt and is therefore not "reformed."

Father Nguyen Van Ly  
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15. (SBU) Before the next meeting, Prison Warden Thang noted that this was Father Nguyen Van Ly's third time in Nam Ha Prison. Thang asserted that Father Ly is kept separate from the general prison population because he is an "extremist" who has made no effort to

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reform. After being escorted into the meeting room, Father Ly talked almost non-stop for the one-hour meeting with USCIRF Commissioners. He began by thanking President Obama, Secretary Clinton and USCIRF for their interest in his case. He noted that in 2001 he was invited to speak before a USCIRF hearing on human rights in Vietnam but was not allowed to travel by the GVN. He subsequently sent testimony to both USCIRF and the U.S. Congress at their request in 2001. Father Ly noted that this is his fifth time in prison and that he "feels at home here"; he stressed this point by saying that upon his most recent return he bowed down and kissed the ground of the prison. Father Ly noted that he was last visited by Ambassador Michalak in March 2008 (Ref B). He said that he spends his days in isolation in thoughtful prayer and is able to be a "better disciple" because he doesn't have to worry about other issues and is alone. Father Ly said he prays for everyone including the GVN and other world leaders, both good and bad.

16. (SBU) Father Ly highlighted the fact that he is kept separate from the general prison population and has no interaction with other prisoners and only nominal interaction with prison guards. He said that his cell is 16 meters square and that he also has a 16 meter square courtyard in front of his cell where he is able to spend his afternoon gardening. He commented that he is currently growing over 100 flowers which he joked is his contribution in the fight against global warming. He said that while he is entitled to a one-hour visit every month by family the distance and expense of a monthly trip was too much for his relatives in Ho Chi Minh City. As a result, his nieces and nephews rotate and visiting him every other month. The USCIRF delegation presented Father Ly with a bilingual New Testament in both English and Vietnamese to assist him in his language studies.

17. (SBU) The delegation asked whether Father Ly was aware that the United States government had raised his case directly at Vietnam's UPR in Geneva and he responded that he was not aware of this. He again thanked the United States for its constant consideration of his situation. Father Ly said that he was aware that Vietnam and the Vatican had held their first Joint Working Group meeting on reestablishing relations in February and had decided that he did not

want to be a hindrance in this effort. "I am a small priest," he affirmed, noting that he had decided to be a "better prisoner" by agreeing to wear the stripped prison clothing and follow prison regulations. Following his change in behavior three months ago, prison management returned Father Ly's Bible and also gave him a Vietnamese-English dictionary and access to Communist Party newspapers, The People (Nhan Dan) and The Law (Phap Luat). He said that he is also allowed to watch several hours of television daily.

¶18. (SBU) Towards the end of the meeting, however, Father Ly became much more vocal in his criticisms, commenting that human rights do not exist in Vietnam. He said that Vietnam's law did not meet international standards, in particular the International Convention on Civil and Political Rights (ICCPR) and the UN Human Rights Declaration. He forcefully insisted that he was a prisoner of conscience. He said that the two biggest problems with the Vietnamese political system was its lack of a free press and independent political parties.

¶19. (SBU) Although originally informed that the meeting with Father Ly would only last 25 minutes, it stretched to a full hour. Only after 50 minutes passed and Father Ly began to more forcefully speak out against GVN policies did Prison Warden Thang and his deputies stand up and declare that the meeting was over. At this point, Father Ly quickly told the delegation to ask him more questions. The conversation continued for about eight more minutes and at which point the delegation said their goodbyes. A few moments after departing the meeting room, Father Ly returned saying he had to tell the delegation just one more thing. He encouraged the United States to support the GVN in its legal case against the USG over Agent Orange and said it was the charitable thing to do.

#### Background Information

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¶10. (SBU) Prominent members of the Bloc 8406 political movement, Father Nguyen Van Ly and attorney Nguyen Van Dai were convicted in March and May 2007 respectively under Article 88 of the criminal code, which bans "conducting propaganda against the Socialist Republic of Vietnam." Father Ly was sentenced to eight years in prison, Dai to five. Dai's sentence was later reduced by one year on appeal. Father Ly is one of Vietnam's most famous dissidents and has spent collectively about 15 years in prison. Upon his release in 2004, he was a founding member of Bloc 8406 and also a founder of the Vietnam Progressive Party. Both Father Ly and Dai are recipients of Human Rights Watch's Hellman and Hammett award for writers under persecution. Dai is also a founder of the Vietnam

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Committee for Human Rights. The United States has raised both individuals' cases repeatedly and at senior levels, including by Secretary Rice to FM Khiem during President Triet's July 2007 visit to Washington.

¶11. (U) The USCIRF delegation did not have an opportunity to clear this cable.

Michalak